

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
ROCKINGHAM DIVISION
1:14-cv-00682

SHELLY HARRIS, an individual,

Plaintiff,

vs.

ELI LILLY AND COMPANY, a
corporation;
and DOES 1 through 50, inclusive,

Defendants.

Joint Rule 26(f) Report

1. Pursuant to Fed.R.Civ.P. 26(f) and LR 16.1(b), a meeting was held on February 4, 2015 and was attended by Michael Woerner and Khesraw Karmand of Keller Rohrback L.L.P. for Plaintiff, and Phyllis Jones and Brett Reynolds of Covington & Burling LLP for Defendant.

2. Discovery Plan. The parties propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

Discovery will be conducted on the allegations in the Complaint and the defenses in the Answer, including discovery on the Plaintiff's claimed injuries, medical conditions, and alleged damages, Defendant's liability, and general and case-specific causation. The parties are in agreement that the deadlines in a scheduling order should reflect the complex nature of this pharmaceutical products liability case. This case is one of over forty lawsuits filed throughout the United States alleging personal injuries caused by the discontinuation of the prescription medication Cymbalta. Because of the volume of similar litigation and the complex nature of the case, the parties agree that discovery should be completed by July

18, 2016, and that the trial of this case should not occur before December 2016 pursuant to the parties' agreement to endeavor to coordinate discovery for all pending cases. Trials scheduled in those similar cases in late 2016 are as follows:

Case Name	Court	Trial Date
<i>Cheshier v. Eli Lilly & Co.</i>	E.D. Cal. (1:14-cv-01265)	December 6, 2016
<i>Pokorny v. Eli Lilly & Co.</i>	S.D. Tex. (4:14-cv-02960)	September 12, 2016
<i>Street v. Eli Lilly & Co.</i>	W.D. Wisc. (3:14-cv-00555)	November 28, 2016
<i>Woodruff v. Eli Lilly & Co.</i>	E.D. Cal. (2:14-cv-01890)	December 6, 2016

Discovery shall be placed on a case-management track established in LR 26.1. The parties agree that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as:

Exceptional

The date for the completion of all discovery is: July 18, 2016. Fact discovery shall be completed by February 26, 2016.

Stipulated modifications to the case management track include: None at this time.

Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:

From Plaintiff by March 28, 2016.

From Defendant by April 27, 2016.

For rebuttal experts by May 20, 2016.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

A related case in the Eastern District of North Carolina – *Williams v. Eli Lilly & Co.*, 5:14-cv-00460-FL (E.D.N.C.) – is on a similar track.

3. Mediation.

Mediation should be conducted late in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be Bob Beason.

4. Preliminary Deposition Schedule. Preliminarily, the parties agree to the following schedule for depositions: Depositions of Plaintiff and other fact witnesses, including Plaintiff's medical providers, to occur after June 1, 2015, but before the close of fact discovery. Depositions of expert witnesses to occur after May 20, 2016, but before the close of all discovery.

The parties will update this schedule at reasonable intervals.

5. Other items.

Plaintiff should be allowed until May 15, 2015 to request leave to join additional parties or amend pleadings.

Defendant should be allowed until May 15, 2015 to request leave to join additional parties or amend pleadings.

After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master: The parties do not consent to having this case tried by a Magistrate Judge.

Trial of the action is expected to take approximately 5-10 days. A jury trial has been demanded.

The parties hereby request that this matter be set for trial no sooner than December 2016.

Date: February 19, 2015

<p>/s/ <u>Khesraw Karmand</u> Kimberly R. Wilson State Bar No.: NC 30044 WV 69870 Wilson Law, P.A. 1111 Haynes Street, Suite 103 (27604) P.O. Box 10389</p>	<p>/s/ <u>Paul J. Osowski</u> Paul J. Osowski NC Bar No. 23423 NELSON MULLINS RILEY & SCARBOROUGH LLP Bank of America Corporate Center 100 North Tryon Street, Suite 4200</p>
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CERTIFICATE OF SERVICE

This is to certify that I have this 19th day of February, 2015, served a copy of the foregoing document as indicated below, upon the below named persons:

- Served via CM/ECF e-mail Service
- By telecopying said papers as indicated below
- By depositing a copy of same in the United States mail, postage prepaid, addressed as shown below
- By depositing a copy of same in the United States mail, postage prepaid, addressed as shown below and by electronic mail
- By depositing a copy of same in the United States Mail, certified mail, return receipt requested, addressed as shown below

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